

port it back to the Senate with the recommendation that it do pass and be not printed.

Committee Room,
Austin, Texas, Feb. 10, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 268, A bill to be entitled "An Act making it unlawful to kill squirrels in Angelina and Tyler Counties, Texas, during the month of July; declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale any wild fox or the pelts thereof; providing that this law shall be in force for a period of two (2) years; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 88, A bill to be entitled "An Act creating a closed season upon certain fish in Harrison and Marion Counties, Texas, and making it unlawful to in anywise take or catch such fish during such closed season, or to have such fish in possession during such closed season; prescribing such penalty for violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 188 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 219 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

TWENTY-FIRST DAY.

(Thursday, February 11, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Alkin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

The following Senators were absent and excused:

Brownlee.	Small.
Burns.	Spears.

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Leaves of Absence Granted.

Senators Brownlee, Burns and Spears were granted leaves of absence for today, on account of important business, on motion of Senator Neal.

Reports of Standing Committees.

Reports on S. B. No. 174, S. B. No. 193, S. B. No. 200, H. B. No. 232, H. B. No. 238, and H. B. No. 343 were submitted by the chairmen of the several committee to which they were referred. (See Appendix for reports in full.)

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and referred to appropriate committees as indicated:

By Senator Weinert:

S. B. No. 243, A bill to be entitled "An Act making an emergency appropriation of money for the Southwest Texas State Teachers College at San Marcos, Texas; providing the purpose thereof and declaring an emergency."

Referred to Committee on Finance.

By Senators Davis and Cotten:

S. B. No. 244, A bill to be entitled "An Act authorizing the county board of trustees of each organized county to detach from one and add to another school district territory contiguous to the common boundary line of the districts affected; and providing for the adjustment of outstanding indebtedness; providing for the creation of new independent common school districts and county line districts out of parts of other school districts; and providing for adjustment of any bonded indebtedness and the assumption of said indebtedness; repealing all laws in conflict therewith, but providing that this act shall be cumulative of the provisions of the present law governing common and independent school districts not in conflict herewith; and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Collie:

S. B. No. 245, A bill to be entitled "An Act to amend Article 492 of Chapter 8, Title 16 of the Revised Civil Statutes of Texas, 1925, with respect to state control of banking institutions; providing that corporations organized under such title are declared to be governmental instrumentalities of the state; repealing all laws in conflict; declaring an emergency."

Referred to Committee on Banking.

By Senator Cotten:

S. B. No. 246, A bill to be entitled "An Act making an appropriation to pay accrued interest on bonds of the State of Texas held by the Permanent School Fund of the State and declaring an emergency."

Referred to Committee on Finance.

By Senator Woodruff:

S. B. No. 247, A bill to be entitled "An Act amending Sections 1, 4, 5, 6, 7, 9, and 18 of House Bill 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session; providing that the Comptroller is authorized to promulgate certain rules and regulations to regulate the sale of cigarettes for movement into States adjoining Texas when such cigarettes have the tax stamps of such adjoining State affixed; requiring salesmen in the employ of manufacturers to keep certain records and deliver invoices; requiring persons soliciting and receiving orders for cigarettes for shipment to points within this State to keep certain records for a limited time; adding a new Section to be known as Section 10-A; providing that before a restraining order shall be granted to restrain or enjoin the collection of the cigarette tax the applicant therefor shall pay into the suspense account of the Treasurer all taxes, fees and penalties due; requiring said applicant to make and file daily reports and pay taxes, fees and penalties accruing before such taxes, fees and penalties become delinquent and prescribing the information to be shown in such reports; fixing venue and providing that restraining order or injunction shall be automatically dismissed and dissolved after hearing if said applicant fails to pay said taxes, fees and penalties into the suspense account or fails to keep the records required or make the reports required; providing for refund or allocation of taxes, fees and penalties paid after final judgment; prohibiting persons not a party to said injunction or restraining order receiving benefits therefrom; requiring common carriers and contract carriers to keep records of cigarettes transported or handled and to give certain authorities free access to such records and cigarettes handled; preserving taxes, penalties and interest accruing to the State under the provisions of prior cigarette tax laws before the effective date of this Act; repealing laws in conflict herewith; providing that offenses committed or prosecutions begun under pre-existing laws may be conducted under the law as it existed at the time the offense was committed; providing that if any

part of this Act shall be held invalid or unconstitutional such decision shall not affect the validity of the remaining portions thereof, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Rawlings:

S. B. No. 248, A bill to be entitled "An Act making appropriation to pay past due rent on armories from March 1, 1932, to August 31, 1932, under lease to the National Guard of the State of Texas, and authorizing payment of said rent on taking effect of this Act; ratifying and confirming lease contracts made during this period by the Adjutant General of the State of Texas; and declaring an emergency."

Referred to Committee on Finance.

By Senator Shivers:

S. B. No. 249, A bill to be entitled "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to sell, offer or expose for sale adulterated or misbranded foods, drugs, cosmetics or devices; preventing fraud upon the purchasing public; authorizing the Board or representatives to obtain evidence from persons or carriers transporting in interstate commerce; defining terms used in this act; providing for condemnation and seizure of adulterated or misbranded foods, drugs, cosmetics and devices; authorizing the State Board of Health to promulgate rules and regulations for the enforcement of this act, and providing for court review of such rules and regulations and for injunction proceedings; to fix standards and definitions for foods, drugs and cosmetics, to promulgate regulations for the certification of coal-tar colors, to fix tolerances for poisons in foods, to fix quantities of oxides of sulphur used in foods, to inspect or cause to be inspected food establishments and collect samples of foods, drug or cosmetic products, make investigations and cause to be examined and analyzed samples of foods, drugs or cosmetics, to require registration of foods, drugs, cosmetics and devices, to publish judgments and court orders, and to publish information on dangerous foods, drugs or cosmetics; prohibiting the use of preservatives in foods, except as provided in this act; fixing duties

of county and district attorneys relative to this act; providing penalties for violating the provisions of this Act; repealing Articles 706, 707, 708, 709 and 714, Title 12, Chapter 2 of the Revised Penal Code of Texas, Acts of 1925 and Articles 4466, 4470, 4471, 4472 and 4473, Title 71, Chapter 3 of the Revised Civil Statutes of Texas, Acts of 1925, and saving to the State the right to prosecute for violation prior to the repeal of these articles; providing that, if any particular section or part of this Act is held unconstitutional or inoperative, such defect shall not affect any other Section or part of this Act; and declaring an emergency."

Referred to Committee on Public Health.

By Senator Hill:

S. B. No. 250, A bill to be entitled "An Act providing for the regulation of aeronautics within this State; providing for uniformity with Federal laws regulating aeronautics; creating a State Aeronautics Board; providing the powers and duties of a director; providing for the formulation and issuance of rules and regulations by such director."

Referred to Committee on State Affairs.

By Senators Cotten, Van Zandt, Isbell and Burns:

S. B. No. 251, A bill to be entitled "An Act to create a School Land Board, to be composed of two members of the State Board of Education and the Land Commissioner, to provide for the sale and lease by said Board of all unsold lands set apart by the Constitution and the Laws of Texas for the benefit of the Permanent School Fund, including escheated lands and lands otherwise recovered for the State, and the minerals therein and thereunder, and all the minerals in islands, lakes, and bays, and other areas within tidewater limits, and in the river beds and channels; to appropriate to the Permanent School Fund all the minerals produced from islands, lakes and bays, and other areas within tidewater limits and from river beds and channels, subject to an expenditure or charge not to exceed one-eighth (1/8th) of the net annual proceeds of the State therefrom, to carry out the pro-

visions of this Act and to make an appropriation of said one-eighth (1/8th) for such purpose; to provide for the forfeiture of school land heretofore or hereafter sold, and for the reinstatement and/or repurchase thereof, and for the reservation of all the minerals in the lands hereafter sold; to provide for the terms of sale of school lands by said Board, and the manner of payment and the rate of interest, and for five per cent (5%) a simple interest on delinquent interest; to provide for leasing the unsold school lands for grazing and agricultural purposes; to provide for the leasing by the said Board of all areas included in this Act for the production of the minerals therein, except sold school land in cases where the owner exercises the agency conferred upon him; to provide for the sale of such leases by sealed bid or by auction as the Board may determine, and make the minimum royalties one-eighth (1/8th) of the gross production of oil and gas, and four per cent (4%) of the value of all other minerals; to provide for leasing school land by the owners of the soil as the agent of the State for the production of oil, etc., and declaring an emergency."

Referred to Committee on Educational Affairs.

Senate Bill No. 67 Re-referred.

The President stated that if there was no objection he would re-refer S. B. No. 67 from the Committee on Mining, Irrigation and Drainage to the Committee on Finance.

There was no objection offered, and the bill was re-referred accordingly.

Senate Concurrent Resolutions Nos. 25, 26, 27, 28 and 29.

Senator Weinert offered the following resolutions:

S. C. R. No. 25, Authorizing C. M. Wells to sue the State in Gonzales County.

S. C. R. No. 26, Authorizing O. I. Littlefield to sue the State in Gonzales County.

S. C. R. No. 27, Authorizing Wilburn Swan to sue the State in Gonzales County.

S. C. R. No. 28, Authorizing W.

H. Bradford to sue the State in Gonzales County.

S. C. R. No. 29, Authorizing Norton Lincecum to sue the State in Gonzales County.

The resolutions were read and were referred by the President to the Committee on State Affairs.

Senate Concurrent Resolution No. 30.

Senator Nelson offered the following:

S. C. R. No. 30, Providing for certain adjournment period for the two Houses.

Be it Resolved by the Senate, the House concurring, That both Houses be granted permission to adjourn from Thursday, Feb. 11, 1937, to Monday, Feb. 15, 1937.

The resolution was read.

On motion of Senator Nelson and by unanimous consent, the rule of the Senate requiring concurrent resolutions to be referred to a committee was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

Invitation Accepted.

Senator Newton presented the following invitation, which was read by the Secretary:

We wish to extend to the Members of the Legislature of Texas an invitation to be the guests of the Citizens of Waco at a banquet on Tuesday evening, March 23, honoring The Honorable James A. Farley.

Mr. Farley will be in Waco to dedicate the new Post-office Building and will come to Austin the following day to address a Joint Session of the Legislature.

DR. W. R. NEWTON,
RAGLIN JONES,
A. P. CAGLE,
JOHN DOLLINS.

On motion of Senator Hill, the invitation was accepted on the part of the Senate.

Senate Resolution No. 29.

Senator Cotten offered the following resolution:

Whereas, The State Senate at the Third Called Session of the Forty-

fourth Legislature passed Senate Resolution No. 23, wherein it created Senate Special Education Committee; and

Whereas, Said Resolution provided that said Committee shall make its report in writing to the Forty-fifth Legislature within thirty (30) days after the date it convened in Regular Session; and

Whereas, Said Committee devoted its entire time to research and investigation concerning education up to the date of the convening of the Forty-fourth Legislature; and

Whereas, The Committee has a number of recommendations to be made concerning education and bills to be introduced in keeping with said recommendation and that by reason of the shortness of time in which to complete and make said report, makes it necessary for an extension of time; therefore be it

Resolved by the Senate of the State of Texas, That the date upon which said Committee shall make its report in writing be and the same is hereby extended to 45 days from the date of the convening of the Forty-fifth Legislature.

COTTEN,
VAN ZANDT.

The resolution was read and was adopted.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 10, A bill to be entitled "An Act to fix the salaries of the judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1 of H. B. No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature which fixes the salaries of said judges, and declaring an emergency."

H. B. No. 232, A bill to be entitled "An Act closing the waters of Caranchua Bay in Calhoun and Jackson

Counties to certain types of net fishing, and declaring an emergency."

H. B. No. 358, A bill to be entitled "An Act providing that it shall be unlawful to take any fish for sale from the waters of Lake Corpus Christi or from the waters of the Nueces River between La Fruta dam on the Nueces River and the highway bridge over the Nueces River near George West; providing a closed season for fishing in said waters; prohibiting the use of certain devices for taking fish in said waters; providing a suitable penalty for any violation of this Act; repealing all laws in conflict therewith, and declaring an emergency."

The House has adopted the following resolution:

S. C. R. No. 30, Providing for certain adjournment period for the two Houses.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills on First Reading.

The following House Bills, received from the House today, were laid before the Senate, read severally first time, and referred to appropriate committees, as indicated:

H. B. No. 10, to Committee on Finance.

H. B. No. 232, to Committee on Game and Fish.

H. B. No. 358, to Committee on Game and Fish.

Senate Bill No. 174.

On motion of Senator Neal and by unanimous consent, the rules requiring printed copies of a bill to be on the desk of each Senator 24 hours before consideration of the bill by the Senate and requiring a committee report to lie over one day before consideration of the bill reported were suspended severally, to permit consideration by the Senate of S. B. No. 174 at this time.

The President then laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 174, A bill to be entitled "An Act validating certain bonds of cities in the State of Texas operating under the General Laws of the State and located in counties having a population of less than 80,000 and

more than 70,000 according to the last preceding United States Census, which bonds have been heretofore voted subsequent to enactment of Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature of Texas, 1935, and which bonds are payable out of the revenues to be derived from the operation of the city's water works system; authorizing the city to complete its proceedings for the authorization, sale, and delivery of such bonds; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 174 on Third Reading.

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 174 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

The President laid S. B. No. 174 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Hill.
Beck.	Holbrook.
Collie.	Isbell.
Cotten.	Lemens.
Davis.	Moore.
Head.	Neal.

Nelson.	Stone.
Newton.	Sulak.
Oneal.	Van Zandt.
Pace.	Weinert.
Rawlings.	Westerfeld.
Redditt.	Winfield.
Roberts.	Woodruff.
Shivers.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

House Bill No. 245 on Third Reading.

The President laid before the Senate, on its third reading and final passage:

H. B. No. 245, A bill to be entitled "An Act to declare a closed season on the killing of deer and turkey in Throckmorton and Shackelford Counties for a period ending February 1st, 1941; prescribing a penalty therefor, and declaring an emergency."

The bill was read third time.

Senator Davis offered the following amendment to the bill:

Amend H. B. No. 245 by inserting after the word "Throckmorton," in Section 1 thereof the following: "Brown, Coleman, Mills."

Question—Shall the amendment be adopted?

On motion of Senator Collie, it was ordered that the bill and pending amendment lie on the table subject to call.

House Bill No. 33 on Second Reading.

The President laid before the Senate, on its second reading and passage to a third reading:

H. B. No. 33, A bill to be entitled "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall or Gillespie Counties with any device equipped with more than two hooks, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said counties; providing a closed season from January 1st to May 1st; prohibiting the sale of any fresh water fish in said counties;

providing a penalty for any violation of this Act; repealing all General or Special Laws, in so far as they conflict with this Act, and declaring an emergency."

The bill was read second time.

On motion of Senator Redditt, it was ordered that the bill lie on the table subject to call.

House Bill No. 88 on Second Reading.

The President laid before the Senate, on its second reading and passage to a third reading:

H. B. No. 88, A bill to be entitled "An Act creating a closed season upon certain fish in Harrison and Marion Counties, Texas, and making it unlawful to in anywise take or catch such fish during such closed season, or to have such fish in possession during such closed season; describing such penalty for violation of this Act."

The bill was read second time and was passed to third reading.

House Bill No. 88 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended, and that H. B. No. 88 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

The President laid H. B. No. 88 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

House Bill No. 89 on Second Reading.

The President laid before the Senate, on its second reading and passage to a third reading:

H. B. No. 89, A bill to be entitled "An Act making it unlawful to take or kill wild deer or wild turkey in the Counties of Harrison, Marion, Cass, or Bowie for a period of five (5) years; describing penalty for violation of this Act, and declaring an emergency."

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Amend H. B. No. 89 by inserting after the word "Cass" in Section 1, the following words: "Brown, Coleman, Mills," and by inserting after the word "Marion" in Section 2 thereof, the following words: "Brown, Coleman, Mills."

The amendment was adopted.

H. B. No. 89 was passed to third reading.

House Bill No. 89 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended, and that H. B. No. 89 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

The President laid H. B. No. 89 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

House Bill No. 268 on Second Reading.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 268, A bill to be entitled "An Act making it unlawful to kill squirrel in Angelina and Tyler Counties, Texas, during the month of July; declaring it unlawful for any person to kill, take or have in his possession for purpose of sale any wild fox or the pelts thereof, providing that this law shall be in force for a period of two years; prescribing

ing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

The bill was read second time.

On motion of Senator Redditt, it was ordered that the bill lie on the table subject to call.

House Bill No. 245 on Final Passage.

Senator Davis called up H. B. No. 245 from the President's table, on its final passage; with amendment offered by himself pending.

The President laid the bill before the Senate.

Senator Davis then withdrew the pending amendment.

On motion of Senator Collie, the bill again was tabled subject to call.

House Bill No. 276 on Second Reading.

The President laid before the Senate, on its second reading, and passage to third reading:

H. B. No. 276, A bill to be entitled "An Act making it unlawful to kill quail in Garza County, Texas; providing the Act shall be in force for a period of two years; repealing all laws in conflict; providing a penalty for the violation of this Act, and declaring an emergency."

The bill was read second time.

On motion of Senator Redditt, it was ordered that the bill lie on the table subject to call.

House Bill No. 394 on Second Reading.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 394, A bill to be entitled "An Act amending Section 2, H. B. No. 327, Chapter 350, General Laws of the Forty-fourth Legislature, Regular Session, as amended by S. B. No. 58, Chapter 421, of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

The bill was read second time.

(Senator Rawlings in the Chair.)

H. B. No. 394 was passed to third reading.

House Bill No. 394 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended, and that H. B. No. 394 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

The Presiding Officer laid H. B. No. 394 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

House Bill No. 232 on Second Reading.

Senator Roberts moved that the constitutional rule required bills to

be read on three several days be suspended and that H. B. No. 232 be placed on its second reading and passage to a third reading.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

On motion of Senator Roberts and by unanimous consent, the rules requiring printed copies of a bill to be on the desk of each Senator 24 hours before consideration of the bill by the Senate and requiring a committee report to lie over one day before consideration of the bill reported were severally suspended, to permit consideration by the Senate of H. B. No. 232 at this time.

The Presiding Officer then laid before the Senate, on its second reading and passage to third reading:

H. B. No. 232, A bill to be entitled "An Act closing the waters of Caranchua Bay in Calhoun and Jackson Counties to certain types of net fishing, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill No. 232 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 232 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Alkin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

The Presiding Officer laid H. B. No. 232 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Brownlee.	Small.
Burns.	Spears.

Senate Bill No. 81 on Final Passage.

Senator Hill called up from the President's table, on its final passage (the bill having been read third time on Monday, Feb. 8, 1937, and having been tabled subject to call at that time):

S. B. No. 81, A bill to be entitled "An Act declaring all fraternal benefit societies, organized or licensed under the provisions of Chapter 8, of Title 78, of the Revised Civil Statutes of Texas, to be charitable or benevolent institutions and exempting the funds of all such fraternal

benefit societies from all and every state, county, district, municipal and school tax, including occupation taxes, other than taxes on real estate and office equipment when same is used for other than lodge purposes; and declaring an emergency."

The Presiding Officer laid the bill before the Senate.

(President in the Chair.)

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 81 by adding a new Section to be known as Section 1-a, as follows:

Section 1-a. Every fraternal benefit society seeking the benefits under this Act must furnish to the Board of Insurance Commissioners of the State of Texas at the time requested, and in the form and manner requested, sufficient evidence to the satisfaction of said Board that said fraternal benefit society is operating solely for the benefit of its members and not operating either for profit or for the benefit of its officers, directors or employees. If the Board of Insurance Commissioners finds from the evidence furnished by said fraternal benefit society that it is organized and carried on exclusively for the benefit of its members, and not for the benefit of its officers, directors, agents, or employees, then said Board shall issue to said fraternal benefit society a certificate of exemption. If the certificate of exemption is not issued, said society is liable for the payment of taxes as is now provided by law.

Question—Shall the amendment be adopted?

Senator Lemens moved that further consideration of the bill and pending amendment be postponed until next Monday immediately following the morning call and that it be set as a special order for that time.

(Senator Collie in the Chair.)

The motion of Senator Lemens prevailed.

On motion of Senator Redditt and by unanimous consent, it was ordered that the following proposed amendments to S. B. No. 81 be printed in the Journal:

(1)

Amend S. B. No. 81 by adding a new Section, to be known as Section 1-b, as follows:

Sec. 1-b. Nothing in this Act is intended to relieve fraternal benefit societies organized or licensed under the provisions of Chapter 8 of Title 78, of the Revised Civil Statutes of Texas from filing reports as to its insurance business with the Board of Insurance Commissioners of the State of Texas, as is required of life insurance companies, and to be examined as to its insurance business as other life insurance companies operating in this State are examined. The expenses of the examinations are to be paid by said fraternal benefit society as examination fees are now paid by life insurance companies operating in this State.

(2)

Amend S. B. No. 81, by adding a new Section, to be known as Section 1-c, as follows:

Sec. 1-c. No fraternal benefit society organized or licensed under the provisions of Chapter 8 of Title 78 of the Revised Civil Statutes of Texas shall be entitled to the benefits of this Act if said society pays to any officer, director, agent or employee annual compensation, either for salaries, wages or commissions, or combined salaries, wages or commissions, in excess of Five Thousand Dollars.

(3)

Amend S. B. No. 81 by adding a new Section to be known as Section 1d as follows:

Before any fraternal benefit society shall be entitled to the benefits of this Act, it shall furnish sufficient evidence to the Board of Insurance Commissioners of the State of Texas that it comes within the provisions of Article 4820, Revised Civil Statutes of Texas. If the Board finds that said fraternal benefit society comes within the provisions of said Article, it shall issue a certificate of exemption from taxes now provided by law.

(4)

Amend the caption to conform with the body of the bill.

(President in the Chair.)

Appointments Announced.

Pursuant to S. R. No. 28, the President announced the appointment of the following committee to arrange for a block picture of the Members of the Senate:

Senators Lemens, Beck and Shivers.

In accordance with the provisions of H. C. R. No. 26, previously adopted by both Houses, the President announced the appointment of the following committee on the part of the Senate to arrange a program for the Joint Session of the Legislature to celebrate the 101st anniversary of the signing of the Texas Declaration of Independence:

Senators Holbrook and Westfeld.

Standing Committee Membership.

Senator Redditt asked unanimous consent of the Senate that Senator Oneal be transferred to the Committee on Finance from the Committee on Public Health.

There was no objection offered, and it was so ordered.

Additional Signer of Bill.

Senator Hill asked unanimous consent of the Senate that his name be added to S. B. No. 214 as a signer thereof.

There was no objection offered, and it was so ordered.

Bills and Resolutions Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 232, A bill to be entitled "An Act closing the waters of Caranchua Bay in Calhoun and Jackson Counties to certain types of net fishing, and declaring an emergency."

H. B. No. 394, A bill to be entitled "An Act amending Section 2, H. B. No. 327, Chapter 350, General Laws of the Forty-fourth Legislature, Regular Session, as amended by S. B. No. 58, Chapter 421, of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

H. C. R. No. 26, Providing for a Joint Session of the Legislature on

March 2, 1937, to celebrate the 101st anniversary of the signing of the Texas Declaration of Independence.

H. C. R. No. 28, Granting Honorable T. O. Davis, Judge of the 123rd Judicial District Court of Texas, permission to be absent from the State.

H. C. R. No. 29, Expressing the gratitude and appreciation of the House and Senate to Mr. and Mrs. Lutchter Stark of Orange, Texas, for the gift of the Miriam Lutchter Stark Art Collection to the University of Texas.

Adjournment.

On motion of Senator Weinert, the Senate, at 11:55 o'clock a. m., adjourned until 10 o'clock a. m., Monday, Feb. 15, 1937.

APPENDIX.

Reports of Standing Committees.

Committee Room,

Austin, Texas, Feb. 11, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 174, A bill to be entitled "An Act validating certain bonds of cities in the State of Texas operating under the General Laws of the State and located in counties having a population of less than 80,000 and more than 70,000 according to the last preceding United States Census, which bonds have been heretofore voted subsequent to the enactment of Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature of Texas, 1935, and which bonds are payable out of the revenues to be derived from the operation of the city's waterworks system; authorizing the city to complete its proceedings for the authorization, sale, and delivery of such bonds; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 343, A bill to be entitled "An Act making an emergency appropriation to the State Prison System at Huntsville, Texas, for the erection, construction, building, and equipping of a power plant at said Huntsville Prison, Wynne State Prison Farm, and Goree State Prison Farm."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 238, A bill to be entitled "An Act making appropriations to defray the costs assessed against the State of Texas of the Rio Grande joint investigation being conducted by the National Resources Committee, through the Water Resources Committee, constituted under Act of Congress, and making appropriations to pay the Court costs and expenses of the Attorney General in the prosecution of the complaint of the State of Texas in the cause of the State of Texas vs. the State of New Mexico, et al, No. 12 Original, October Term, 1936, in the Supreme Court of the United States."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments 1 and 2 and be printed.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 238 by adding at the end of Section 1 of said bill the following:

"Provided, however, that none of said appropriation shall be spent for the employment of counsel or the payment of attorneys' fees."

Committee Amendment No. 2.

Amend H. B. No. 238, by inserting immediately before the last paragraph of Section 1 of the bill the following:

"Provided that none of the moneys hereby appropriated shall be

used except in connection with expenses as provided for herein; and before any warrant is issued pursuant to this Act, the Comptroller shall require an affidavit that the amount included in the request for the warrant was used exclusively in the cause of the State of Texas vs. New Mexico, et al, No. 12, in the Supreme Court of the United States."

Committee Room,
Austin, Texas, Feb. 11, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 232, A bill to be entitled "An Act closing the waters of Caranchua Bay in Calhoun and Jackson Counties to certain types of net fishing except during certain months in Calhoun County; prohibiting the use of an oyster dredge in Caranchua Bay or Caranchua Pass, or within three hundred (300) yards from the mouth of said Pass in Matagorda Bay; providing a penalty; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 193, A bill to be entitled "An Act authorizing private corporations heretofore incorporated for the purpose of operating street or interurban railways to amend their charters so as to include as an additional purpose of the corporation the acquiring, owning and operating of motor vehicles, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 200, A bill to be entitled "An Act providing for the installation of signal units on State Highways outside of incorporated cities and towns, regulating the crossing of such highways at places where such units are installed by vehicles and pedestrians fixing a penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 174 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 30 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

TWENTY-SECOND DAY.

(Monday, February 15, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called, and the following Senators were present:

Aikin.	Holbrook.
Beck.	Isbell.
Brownlee.	Lemens.
Burns.	Moore.
Collie.	Neal.
Cotten.	Nelson.
Davis.	Newton.
Head.	Oneal.
Hill.	Pace.